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**From:** Foltz, Carol (DPH)  
**Sent:** Wednesday, October 05, 2011 1:09 PM  
**To:** Bartlett, Cheryl (DPH); Benham, Ron (DPH); Biondolillo, Madeleine (DPH); Botticelli, Michael (DPH); Clark, Mary (DPH); Condon, Suzanne (DPH); Cranston, Kevin (DPH); Han, Linda (DPH); Okeefe, Jerry (DPH); Barry, Elizabeth (DPH); Bergstrom, Jim (DPH); Collins, Debora (DPH); Connolly, Grace (DPH); Cormier, Carol (EHS); Dunn, Ceci (DPH); Gustus, Toni (DPH); Johnson, Dennis (DPH); Lambert, Debra (DPH); Levin, Donna (DPH); Messenger, Kathy (DPH); Purtell, Joe (DPH); Remondi, Sheila (DPH); Seymour, Robert (DPH); Singh, Renu (DPH); Sullivan, Julie (DPH); Whiteman, Chuck (DPH)  
**Cc:** Cyr, Julian (DPH); Delaney, Daniel (DPH); ValdesLupi, Monica (DPH)  
**Subject:** FY11 supp -House Version  
**Attachments:** Summary House supp FY11.doc; AugFY11 Supp.docx

Hello all

Attached please find a summary of the outside sections as well as the full text of the supp. Please note outside sections 18 and 94.

SECTION 18. Section 35 of chapter 123 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

If, after a hearing, the court based upon competent testimony, which shall include, but not be limited to, medical testimony, finds that a person is an alcoholic or substance abuser and there is a likelihood of serious harm as a result of a person's alcoholism or substance abuse, the court may order such person to be committed for a period not to exceed 30 days; provided, however, that if, after a hearing, the court finds that a person is a substance abuser, who is addicted to 1 or more controlled substances including, but not limited to, heroin, OxyContin, hydrocodone, oxycodone, crack cocaine, methamphetamine or other controlled substance having an addiction-forming or addiction-sustaining liability, the court, in its discretion, may order such person to be committed for a period not to exceed 90 days, followed by 1 year of case management. During a person's commitment they may voluntarily discuss their path to addiction, including but not limited to prescription drug abuse. Such commitment shall be for inpatient care in public or private facilities approved by the department of public health under chapter 111B for the care and treatment of alcoholism or substance abuse. The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, provided that there are not suitable facilities available under said chapter; and provided, further, that the person so committed shall be housed and treated separately from convicted criminals. A person so committed may be released prior to the expiration of the period of commitment upon written determination by the superintendent that release of said person will not result in a likelihood of serious harm. Such written determination by the superintendent shall contain the reasons for the superintendent's decision to release said person and shall be signed and dated by the superintendent. Said person shall be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purposes. The department of mental health, in conjunction with the department of public health, shall maintain a roster of public and private facilities available, together with the number of beds currently available, for the care and treatment of alcoholism or substance abuse and shall make it available to the district courts of the commonwealth on a monthly basis.

SECTION 94. There shall be established and set up on the books of the commonwealth a fund to be known as the Substance Abuse Services Fund. The commissioner of public health shall serve as the fund's trustee. Funds made available for this fund shall be used to expand inpatient treatment facilities and ongoing case management for individuals civilly committed under section 35 of chapter 123 of the General Laws. Upon the submission of a spending plan for this fund to the secretary of administration and finance, the house and senate committees on ways and means and the clerks of the house and the senate, the comptroller shall transfer \$10,000,000 from the General Fund to the Substance Abuse Services Fund. In developing the spending plan, the commissioner shall hold at least 1 public hearing and shall consult with the commissioner of mental health, the administrator of the trial court, a representative of the Massachusetts Medical Society, a representative of the Massachusetts Organization for Addiction Recovery and a representative of the Massachusetts Association for Behavioral Health Care. The commissioner shall submit a draft spending plan to the house and senate committee on ways and means 45 days prior to the submission of the final plan. This fund shall be in effect until June 30, 2013.

Line Items included are:

4510-0100	\$2,313,560	Administration and ADHC
4516-1000	\$300,000	Amherst Lab
4512-0103	\$500,000	HIV/AIDS
4580-1000	\$850,000	Immunization

Please let me know if you have any questions

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